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7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

10 Trustees of the Tri-Counties Welfare   NO. C 07-05941 JW
Trust Fund,

11   **ORDER GRANTING PLAINTIFF'S**
                        Plaintiff,   **MOTION TO STRIKE AND CORRECT**
12   v.   **THE DOCKET; DIRECTING THE CLERK**
                                                  TO ENTER DEFAULT
13 Kelvin Hildebrand, Inc., et al.,

14   Defendants.
                                        /
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16   Presently before the Court is Plaintiff's Motion to Strike and Correct the Docket and for an

17 order Directing the Clerk of Enter Default. (Docket Item No. 39.) The Court finds that the Docket

18 Item Nos. 4, 5, 6, 12, and 13 are not responsive pleadings within the meaning of Rules 10 and 11 of

19 Fed. R. Civ. P. In addition, the corporate defendants' letters are not responsive pleadings because

20 the law does not permit corporate defendants to represent themselves in court.[1]

21   Accordingly, the Court orders Docket Item Nos. 4, 5, 6, 12 and 13 stricken from the Docket.

22 Further, the Clerk of Court shall enter the default of Defendants Kelvin Hildebrand, Inc., Hildebrand

23 & Sons Trucking, Inc., West Coast Drayage, Hildebrand Brothers Trucking and Kelvin Hildebrand.

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27   [1] As a general rule, a corporation, unincorporated association, or partnership may not appear
28 *pro se* in any action. United States v. High County Broadcasting Co., Inc., 3 F.3d 1244, 1245 (9th
Cir. 1993); Bigelow v. Brady, 179 F.3d 1164, 1165 (9th Cir. 1999); See Civ. L.R. 3-9(b).

1   Plaintiff shall serve this Order on all Defendants. In light of this Order, the hearing on

2 Plaintiff's motion currently set for September 15, 2008 is VACATED.

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4 Dated: September 11, 2008

JAMES WARE
5   United States District Judge

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United States District Court
For the Northern District of California

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United States District Court
For the Northern District of California

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Teague Pryde Paterson tpaterson@beesontayer.com

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Dated: September 11, 2008   **Richard W. Wieking, Clerk**

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By: /s/ JW Chambers
         Elizabeth Garcia
6   **Courtroom Deputy**

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